

REMARKS

1.) Claim Amendments

The Applicant has amended claims 1, 6, and 8-11 and claim 5 has been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-4 and 6-22 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Priority

The Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority.

3.) Double Patenting

The Examiner provisionally objected to Claims 1-22 on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-30 of co-pending Application No. 10/550,827. The Applicant has filed herewith a Terminal Disclaimer with respect to co-pending Application No. 10/550,827 to overcome this objection.

4) Claim Rejections – 35 U.S.C. § 102(b)

Claims 1, 5, 6, 9, 14, 16, 17 and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sauer, US Patent No. 6,064,257 (Sauer). The Applicant has incorporated claim 5 into claim 1 and cancelled dependent claim 5. The Applicants respectfully traverse the rejection of the remaining claims. Sauer fails to disclose a load further comprising cascoded transistors coupled to the amplifying means and a power supply, the load being adapted to protect the amplifying means from interfering signals.

While Sauer references the use of amplifiers, it does not disclose the use of cascoded transistors as loads as in the present invention. This is clear in that the cascoded transistors in the present invention are located at the beginning of the amplifier chain where the signal levels are lower. Such is not the case in the Sauer

invention. The MOS elements identified by the Examiner in Sauer are toward the end of the amplifier chain and are used as current mirrors of the common mode feedback stage and are not adapted to protect the amplifying means from interfering signals. Further, there is a further significant distinction between the present invention and Sauer in that Sauer uses resistors for noise generation and amplifiers for amplification only.

It is improper for an Examiner to modify a single reference, here Sauer, to support a rejection. There must be no differences between the claimed subject matter and the prior art reference for a 102 rejection to be proper. As noted above, the topology of the present invention is arranged to obtain the advantage of protecting the amplifying means from interfering signals, a benefit not obtained by Sauer due to its differing circuit topology. Claims 6, 9, 14, 16, 17 and 20 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 1, 6, 9, 14, 16, 17 and 20 is respectfully requested.

5) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 2-4, 8, 10-13, 18, 19, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sauer. The Applicant has incorporated claim 5 into claim 1 and cancelled dependent claim 5. Sauer fails to disclose a load further comprising cascoded transistors coupled to the amplifying means and a power supply, the load being adapted to protect the amplifying means from interfering signals as provided in claim 1. While Sauer references the use of amplifiers, it does not disclose the use of cascoded transistors as loads as in the present invention. This is clear in that the cascoded transistors in the present invention are located at the beginning of the amplifier chain where the signal levels are lower. Such is not the case in the Sauer invention. The MOS elements identified by the Examiner in Sauer are toward the end of the amplifier chain and are used as current mirrors of the common mode feedback stage and are not adapted to protect the amplifying means from interfering signals. Further, there is a further significant distinction between the present invention and

Sauer in that Sauer uses resistors for noise generation and amplifiers for amplification only.

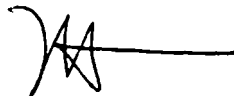
Inasmuch as claims 2-4, 8, 10-13, 18, 19, 21 and 22 depend, directly or indirectly, from Sauer, a rejection based on 103(a) is improper as Sauer, even in combination with design choices, fails to disclose or suggest all of the claimed elements. Claims 2-4, 8, 10-13, 18, 19, 21 and 22 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2-4, 8, 10-13, 18, 19, 21 and 22 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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